

REMARKS**OVERVIEW**

Claim 21 is pending in this application. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance are therefore requested.

ISSUES UNDER 35 U.S.C. § 103

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider, Pub No. 2002/0103688 in view of information available at the web site of the Center for Farm Financial Management (hereinafter Marketeer). This rejection is respectfully traversed.

First, it is respectfully submitted that the Schneider reference is not prior art. The publication date for Schneider is August 1, 2002, which is after the filing date of March 28, 2001 of the present application. Therefore, Schneider would not be 102(b) type prior art. The filing date of Schneider is August 21, 2001. This date is after the March 28, 2001 filing date of the present application. Therefore, the Examiner cannot establish that Schneider is 102(e) type prior art on this basis. The fact that Schneider claims priority to a provisional application based on August 22, 2000, does not by itself transform Schneider into prior art. Therefore, it is respectfully submitted that the rejection to claim 21 must be withdrawn on this basis.

Nevertheless, there is an independent reason for patentability of claim 21 and withdrawal of the Examiner's rejection because Schneider does not disclose all that the Examiner purports it to disclose. In particular, the Examiner indicates that Schneider discloses "integrating the crop insurance services, financial management services, and marketing services by updating the ongoing analysis of break even points and profitability with the sales contracts executed by the producer" as required by claim 21 (Office Action, page 3). The Examiner cites to paragraph 23 of Schneider for this proposition. The Examiner is simply mistaken. Paragraph 23 of Schneider

merely states that additional information and analysis relating to price, yield and resource variations can be made:

"If necessary, the present invention requests additional, information and performs further analysis using intrinsic rules. The present invention can suggest that the user closely examine a questionable or sensitive parameter. Continuous input by the user and feedback via the present invention ensures the evolution of a final cropping strategy that satisfies the user's needs and meets the user's goals. Parametric programming algorithms (i.e., the systematic process of changing model parameters) are used to selectively alter model parameters. The present invention then stores the model parameters for future reference and quickly answers "What if?" questions pertaining to variations in yields, prices or resources (i.e., controllable and uncontrollable variables)."

In particular, this step of claim 21 requires integration of marketing services and ongoing analysis of break even points and profitability with the sales contracts executed by the producer. As the Examiner recognizes, Schneider does not disclose "providing marketing services, including an evaluation as to the profitability of a potential sales contract based upon current data from the financial management services, such that the sales contracts are executed by the producer" (Office Action, page 3). Therefore, Schneider cannot disclose integrating the marketing services with other services or updating the ongoing analysis of break even points and profitability with the sales contracts executed by the producer as the sales contracts are a part of the marketing services. Schneider does not disclose marketing services. Schneider at best discloses consideration of previously executed production contracts. Because Schneider does not disclose "marketing services" this limitation is not met. Marketeer does not remedy this rejection. Therefore, it is respectfully submitted this rejection should be withdrawn on this basis as well.

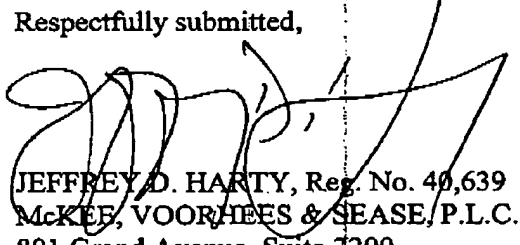
There is also another independent basis for patentability. In particular, the Examiner has failed to provide a proper motivation or suggestion to combine Marketeer with Schneider. The Examiner's purported motivation is for "helping farmers navigate the ups and downs of volatile

prices with a planned marketing approach that best suits their objectives" (Office Action, page 3-4). The Applicant respectfully submits that such a motivation or suggestion may apply to marketing services, but does not apply to the invention of claim 21. For example, this purported motivation or suggestion to combine does not provide any basis for combining crop insurance services, financial management services with marketing services. Merely, it recognizes marketing as important but does not recognize the relationship between marketing and the other elements of crop production. Thus, Marketeer actually teaches away from a combination with Schneider as Marketeer treats a marketing plan as a separate unit not integrated as in the invention of claim 21. Therefore, the Examiner has failed to provide a proper motivation or suggestion to combine and this rejection should be withdrawn on this basis as well.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from April 28, 2004 to June 28, 2004. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$210.00 for two months to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



JEFFREY D. HARTY, Reg. No. 40,639
MCKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885
Attorneys of Record

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